IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1549 OF 2005

Mulchand Baburao Bhagat & Ors. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri A.P.Mundargi with N. Mundargi for the Applicants.
Shri A.S.Gadkari, APP for the Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 21, 2005

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. Even accepting the prosecution case as it is, it is seen that the applicants had accompanied a group of total 26 persons to murder Hiralal Baburao Bhagat. The fact remains that except the presence of the applicant at the scene of the offence, there is no witness cited by the learned APP, who has deposed about the overt -act of the applicants in the commission of the crime. The learned APP fairly accepts that section 120(B) of the IPC has not been applied to the case in hand. If it is so, as the investigation is complete and chargesheet has been

filed and as there is no material to show the participation of the applicants, the applicants deserve to be enlarged on bail but on the following conditions :-

(a) The Applicants are directed to be released on bail in connection with C.R.No. 99/2004, registered with Igatpuri Police Station, Dist. Nasik on executing personal bond in the sum of Rs. 25,000/- (Rs. Twentifive thousand only) with one or two local sureties in the like amount.

(b) The applicants shall report to the concerned investigating officer once in a fortnight on first Saturday of every English calender month between 10 a.m. to 1 p.m.. This condition is imposed to ensure that no further untoward incident takes place in the vicinity, as it is matter of record that group rivalry has resulted in the commission of the alleged crime in the present case.

(c) The applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicants shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that they are responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

3. Ordered accordingly.

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